the public and the State Legislature that crime has been well-controlled and is going down because of the efficiency of the police administration under their charge. This type of a statistical approach of the political executive is largely responsible for understating the crime figures in states. Again it is noticed that subordinate officers try to avoid registration of cases by pointing out that the offence occurred in the jurisdiction of another police station. As a result, a complainant has to run from pillar to post to locate the particular police station and get the case registered. Under S. 154 Cr P C, the officer-in-charge of a police station has to register a case and draw up an FIR as soon as a complaint of cognizable offence is laid at the police station. There is no scope for non-registration of cases under the pretext of jurisdictional controversy.

Human rights activists alleged that police often committed human rights violations with impunity and that police corruption was pervasive and acknowledged by many government officials. The NHRC reported that the majority of complaints it received were against police. Although the Malimath Committee on Judicial Reform issued a report in 2003 proposing police reforms, measures had not been implemented at year's end. Some human rights activists maintained that the committee's main goal was to increase arrests and prosecutions instead of protecting the rights of the accused. Punjab Director General of Police A.A. Siddiqui reported that police had received 17 thousand complaints in 2004, including 6,261 from the Punjab State Human Rights Commission, 376 from the NHRC, and 46 from the NHRC for Scheduled Castes and Scheduled Tribes. The media reported that courts found 59 police officers guilty of violating human rights in Punjab in 2004

Administration of criminal justice is a State matter. Fortunately, by reinterpreting Art. In Maneka .. Gandhi, and by giving up the sterile approach of Gopalan, the Supreme Court has found a potent tool to seek to improve matters, and to fill in the vacuum arising form governmental inaction and apathy to undertake reform, in the area of criminal justice. The Court has
now been seeking to humanize and liberalize the administration of criminal justice.

Accordingly, since Maneka, the Supreme Court has in a number of cases tested various aspects of criminal justice and prison administration on this touchstone. The protection of Art. 21 extends to all persons- persons accused of offences, under trial prisoners, prisoners undergoing jail sentences etc., and, thus, all aspects of criminal justice fall under the umbrella of Arts. 14,19 and 21.

Arrest can cause incalculable harm to a person's reputation and self-esteem. Arrest should be made not merely on suspicion but only after a reasonable satisfaction reached after some investigation as to the genuineness and bona fides of the complaint and a reasonable belief as to the person's complicity and even as to the need to effect arrest.

The arrested person has certain rights, viz., he has a right that a relative/friend of his be informed about his arrest and the place of his detention; he has a right to consult a lawyer privately.

The Criminal Procedure Code has brought about the separation of the Judiciary from the executive by requiring appointment of 'Judicial Magistrate' as distinct from "Executive Magistrate'. Further the Judicial Magistrates are, for all practical purposes, brought under the direct supervision and control of the High Court in each State and hence are freed from executive influence or control. This is necessary as in most criminal cases; the State is the complainant and the prosecutor.

This certainly is a violation of Articles 7 and 8 of UDHR as they speak about the equality of all before the law and everyone's right to an effective remedy by competent tribunals for violation of their fundamental rights.

The National Police commission in its third report referring to the quality of arrests in India mentioned power to arrest by the police in India as one of the
chief sources of corruption in the police. The report suggested that by and large, nearly 60 percent of the arrests were either unnecessary or unjustified and such unjustified police action accounted for 43.2 percent of the expenditure of the jails. Article 3 of the UDHR says, "Everyone has a right to life, liberty and the security of person." Article 9 too says," No one shall be subjected to arbitrary arrest, detention or exile." The police blatantly violate both these provisions. The Supreme Court in Joginder Kumar v. State of U.P.234 explained the powers of the police to arrest an accused. It laid down that no arrest can be made because it is lawful for the police officer to do so. The existence of power to arrest is one thing. The justification for exercise of it is quite another. The police officer must be able to justify the arrest apart from the power to do so. Arrest and detention in the police lock-up of a person can bring upon incalculable harm to the reputation and self-esteem of a person, sometimes even ending in suicides by such victims. It would be prudent for a police officer that no arrest is made without a reasonable satisfaction is reached after some investigation as to the genuineness and bonafide of a complaint. Denying a person of his liberty is a serious matter.

The right to be informed of the grounds of arrest is a precious right of the accused. It enables him to approach the court for bail or in appropriate circumstances for the writ of habeas corpus or make the expeditious arrangements for his defense. Hence, a duty is cast upon a police officer, arresting a person without warrant, to forthwith communicate to him full particulars of the offence and other grounds for such arrest. In bailable offences police officer is required to inform a person arrested that he is entitled to be released on bail. If this is not accomplished then the police officer is in violation of Article 9, which envisages that "arbitrary arrests" are not made.

The presence of a large number of under-trial and unconnected prisoners has continued to be a scandal for long. A mention of the state of under-trials and the victims of procrastination in trials is inescapable. The Mulla Corr.Tiittee again observed that the presence of an excessive number of under-trial, remand
and other unconvicted prisoners has created, and not wrongly, an increasing public and professional concern about the non-observance of human rights, as guaranteed in the UDHR, in these institutions. The plight of Dhananjoy Chatterjee (the infamous person guilty of raping and murdering a 14-year old) who languished in Alipore Jail awaiting his execution for 14 years because of the sheer amount of time taken in litigation is a case in point.

Justice Krishna lyer is right when he says, "these institutions and not the inmates are criminals." The situation could be summed up in one sentence: the human rights violations in custodial and correctional institutions (the kinds of which we have), are not stray phenomena, but widespread and deep-rooted in the system.

Hon’ble Justice Krishna lyer is right when he says, “these institutions and not the inmates are criminals.” The situation could be summed up in one sentence: the human rights violations in custodial and correctional institutions (the kinds of which we have), are not stray phenomena, but widespread and deep-rooted in the system.

**SUGGESTIONS**

Let Hundred culprits escape from punishment but one innocent should not be punished is the motto of every Legal system. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

- Right to Compensation must be specifically be made fundamental right of every person arrested illegally. For illegal arrest police officer must be made accountable and disciplinary action must be taken against the guilty police officers.

- Effective measures must be taken for implementation and incorporation of right to bail, right against torture and speedy trial.
• As per sections 330 and 331 of IPC physical torture of an accused during interrogation is an offence and hence punishable from 7 to 10 years imprisonment. This should be implemented irrespective of the cadre of the official.

• The researcher suggests implementing the scheme that is used in Ontario in Canada for reducing the use of arrest Viz., Enabling a police officer to issue an appearance notice which avoids arresting of a person and compels him to attend the police station without arrest. This provision also protects the person to be arrested from stigmatization.

• Establish a fully independent complaints mechanism to ensure prompt, independent and full investigations into allegations of torture, including numerous detailed allegations received from various NGO’s.

• Ensure that there is a legal prohibition to carry out interrogation of detainees without the presence of a defense counsel of his choice.

• Clarify and reconcile the sometimes contradictory provisions pertaining to the timing when a detained person has the right to a defense counsel and to ensure that this right is exercised from the moment of arrest.

• The functions of the Judiciary in the course of investigation by the police should be complementary and full freedom should be accorded to the investigation to collect the evidence connecting the chain of events leading to the discovery of the truth i.e. the proof of commission of the crime.

• The researcher suggests to provide frequent training programmes on Legal education and awareness to the police officers on the rights of the accused person.

• The working methods and procedures of different wings of Criminal Justice System should be made transparent. It is essential that police
custodial brutality for instance, can be checked to a great extent if relatives or well wishers of the accused persons are allowed to be in the visible distance when they are being interrogated. In order to ensure that those guilty of human rights violation the victim should be re examined by medical officers. Such officers should be independent and not connected with the working of custodial institutions

- Improve conditions of pre-trial detention centers, including space, facilities and sanitation, and establish a system of inspection of detention centers by independent monitors, whose findings should be published.

- The Inspection must be done every fortnight by a Committee consisting of well educated and reputed members of society, namely retired Judges, professors etc.

- Establish a procedure for providing redress for victims of torture, including fair and adequate compensation

- Parliament should enact stringent provisions for enforcing the free legal aid provisions speedily to the illiterate and poor litigants (accused).

- The women's organisations, the government must prioritize women's rights and ensure that those responsible for crimes against accused women are brought to justice, and that women are treated fairly and with respect during legal proceedings.

- The police personnel carrying out the arrest and handling the interrogation of the accused should bear accurate, visible and clear in identification and name-tags with their designations. The particulars of all such police personnel who handle interrogation of the accused must be recorded in a register.

- A police control room should be provided at various levels. sub divisional, district and State Headquarters where information regarding the arrest and
the place of custody of the accused shall be communicated by the officer
causing arrest, within 12 hours of effecting the arrest and at the police
control room it should be displayed on a conspicuous notice-board.
Failure to comply with the requirements hereinabove mentioned shall
apart from rendering the concerned official liable for departmental action,
also render him liable to be punished for contempt of court and the
proceedings for contempt of Court may be instituted in the High Court.

- The method of keeping the person behind the bar awaiting the trial must
be highly minimized. The police brutality and torture in police station be
minimized and serious departmental inquiry be implemented on those
authorities who participates actively in torturing the innocent people
irrespective of the cadre.

- Efforts to be made to provide lady constable for the custody of
women arrestee.

Thus the entire journey from the Gopalan case to date, shows many high
watermarks in the Administration of Criminal Justice system. The greatest
contribution of the Indian Judiciary has been that it has reached to human
sufferings, atrocities and helplessness in true spirit and meaning. Still on a few
occasions the court erred and failed or sometimes the required result was not
achieved. The rights of the accused must be protected in true spirit by making
the police authorities aware of the rights as the accused also posses dignity and
has a right to live a dignified life. Punish those who are criminals and save those
who are innocent. To achieve the result the court must see that its order, direction
and the judgment are implemented in toto. otherwise the court order will lose
their credibility and the faith of the general public.
Questionnaire

1) Are you Educated (Yes/No)
2) Have you financially sound (Yes/No)
3) Are you related to the victim? (Yes/No)
4) Did you ask for the copy of the FIR? (Yes/No)
5) Were you allowed to call your home/family members? (Yes/No)
6) Was your house raided? (Yes/No)
7) Were any incriminating recovery made during the raid/search. (Yes/No)
8) Did you or your family engage a lawyer? (Yes/No)
9) Were you threatened with the arrest of other family member? (Yes/No)
10) Were you threatened with the humiliation of female members of your family? (Yes/No)
11) Was your statement after arrest was correctly recorded by the police? (Yes/No)
12) Was food provided to you in the lock up by the police? (Yes/No)
13) Was bedding/blanket etc provided at the lockup? (Yes/No)
14) Were there toilet/bathing facilities? (Yes/No)
15) Were you tortured or subjected to humiliation? (Yes/No)
16) Did you inform your lawyer of the torture? (Yes/No)
17) After arrest were you produced before the magistrate for remand within 24 hours? (Yes/No)
18) Did the Magistrate ask any questions about torture? (Yes/No)
19) Were used handcuffs to you? (Yes/No)
20) Were you medically examined at the time of admission to prison? (Yes/No)
21) Were you informed about your rights at the Jail? (Yes/No)
22) Were your family/friends able to meet you? (Yes/No)
23) Was bail granted? (Yes/No)
24) Did you fell ill during the judicial custody? (Yes/No)
25) Did the police take any finger prints? (Yes/No)
26) Did the police take any photographs? (Yes/No)
27) Did the police record FIR correctly according to the facts mentioned by you? (Yes/No)
28) Did the police encourage you to settle the matter out of the court? (Yes/No)
29) Was your statement recorded correctly? (Yes/No)
30) Did the complainant take care of you during the proceedings? (Yes/No)
BIBLIOGRAPHY

- Dr. Ashutosh, Rights of Accused, Universal Law Publishing, 2009
- Chitkara, M.G. Human Rights: Commitment and Betrayal. APH Publishing Corporation, New Delhi, 1996, deals with History of human rights and ancient period and British period
M.P. Jain, 'Indian Constitutional law ' (6TH edition, 2010)


BASU, Cases on Indian Constitutional Law (M.C.Sarkar & Sons, Calcutta).

➢ BASU, *Comparative Federalism* (P.H.I., 1987).


CHITIMIS VIJAY (Dr.), Human Rights and the law: National Global Perspective; Snow white publications, Mumbai-2.


Dr. S. VENUGOPAL RAO, "Human Right, police and the nation”,


FAJGENBAUM & HANKS, Australian Constitutional Law (Butterworths, 1980).


GLANVILLE AUSTIN, The Indian constitution: corner stove of a nation.

GROUT, Public Law (Macdonald & Evans, 1984).


IYER KRISHNA. V.R, The law, lawyers & Justice
- JASWAL PARAMJY arid JASWAL NISHITA-, "Human Rights an the law",
- MAXWELL, Interpretation of Statutes (Sweet & Maxwell, 12th Ed., 1969).
- PERRY, MICHAL J., The constitution, the courts and the human Rights, Willey, Eastman Ltd., New Delhi - 1982
- RATANLAL & DHIRAJLAL, *The Indian Penal Code*, 1860
- SINGH SEHGAL B. P., "*Human Rights in India."
- SINGHVI. G. C. (IPS), "*wrap & woof* of police violence.
- SHERMAN LAWRENCE *Police and Violence*, edited - published by the American Academy of political and Social Science (1980).
- VARSHNI's, *Criminal trial and Judgement*, Eastern Book Company - Lucknow- 226001.
- WADE, *Constitutional Fundamentals* (Stevens, 1983).
ARTICLES:

- Justice K. N. Goyai - Human rights and Criminal Justice, Cr. LJ.p.278.

WEBSITES:

- www.lexisnexis.com/universe
- www.legal service India .com.
- www.siloamsprings.com
- www.esia.net/Definition.htm
- www.wikipedia.org